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COUNTY OF ELBERT }	

RESOLUTION 19-24 A RESOLUTION RATIFYING RESOLUTION 17-34 WITH CLARIFICATION OR DEFINITIONAL UPDATES

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Administrative Building in Kiowa on Wednesday, the 22nd day of May, A.D. 2019, there were present:

Chris Richardson Rick Pettit Grant Thayer Commissioner Chairman

Commissioner Commissioner

Amanda Moore Deputy Clerk to the Board

WHEREAS, Article III(K)(5) of the Elbert County Zoning Regulations (ECZR) adopted per resolution 19-17 provides for clarification and definitional updates to the ECZR after being properly noticed during a regular public meeting of the BOCC.

WHEREAS, the County finds it in the best interest of the County to clarify or otherwise provide an update to the current Elbert County "Oil and Gas Regulations" formally known as Part II, Section 27 of the Elbert County Zoning Regulations, to confirm that the County does not regulate the siting of oil and gas locations, and to instead manage such applications as building permits through the Building Division at Elbert County, for the applicant to provide the above-stated Elbert County-Specific agreements in conjunction with other building permit related requirement and to adhere to State Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Elbert by the authority granted the Board by the laws of the State of Colorado and people of Elbert County, Colorado, do hereby declare this Resolution ratifying Resolution 17-34 with clarification or updates affirming Elbert County does not regulate the "siting" of oil and gas locations.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Chris Richardson, CHAIRMAN

AYE

Rick Pettit, COMMISSIONER

AYE

Grant Thayer, COMMISSIONER

ATTEST: **Dallas Schroeder**

COUNTY CLERK

Date: 5/22/19

BY:

Date: 5/22/19
DEPUTY CLERK TO THE BOARD- Amanda Moore

STATE OF COLORADO }
} ss
COUNTY OF ELBERT }

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Dallas Schroeder Recorder, Elbert County, Co

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 25th day of October A.D. 2017, there were present:

Danny Willcox Commissioner Chairman
Chris Richardson Commissioner Vice Chairman

Grant Thayer Commissioner
Dallas Schroeder Clerk to the Board

When the following proceedings, among others were had and done, to wit:

RESOLUTION 17- 34
ELBERT COUNTY ZONING REGULATIONS AMENDMENTS, PART II,
SECTION 25: DEFINITIONS AND SECTION 17: SPECIAL USE BY
REVIEW AND TO VOID RESOLUTION 14-14/PART II, SECTION 27:
ADMINISTRATIVE REVIEW AND MOU PROCESS FOR MINOR OIL
AND GAS OPERATIONS AND RELATED FACILITIES

WHEREAS, In the time between the creation and adoption of the Elbert County Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities (Oil & Gas Regulations) 2014, the Colorado Oil and Gas Conservation Commission (COGCC) has substantially amended the state-level requirements for this type of operation; and

WHEREAS, the standards set forth in the existing Elbert County "Oil & Gas Regulations" and the accompanying Elbert County MOU are now substantially addressed at the state level and are inspected and enforced by the State; and

WHEREAS, to retain the existing Elbert County Oil and Gas Regulations is duplicative of state regulations, does not provide meaningful protection above State regulations and adds unnecessary burden on both the applicant and County resources; and

WHEREAS, the County agrees that the state standards are sufficiently high to protect the health, welfare, and safety of Elbert County Citizens and that State resources for inspection and compliance far exceed those of the County; and

WHEREAS, the County wishes to remove and void Part II, Section 27 of the ECZR that was adopted via Resolution 14-14 and has a recorded in the office of the Clerk and Recorder with a reception number of 541397.

WHEREAS, the County does wish to continue requiring a Master Road Use Agreement, a Fire Safety and Protection Agreement and a Letter of Commitment from the Applicant

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WHEREAS, the County recognizes that the definitions of "Major" and "Minor" oil and gas facilities/operations currently exist only in Part II, Section 27 of the ECZR.

WHEREAS, the County wishes to add definitions for "Major" and "Minor" oil and gas facilities that were in <u>Part II</u>, <u>Section 27 of the Elbert County Zoning Regulations</u> to <u>Part II</u>, <u>Section 25</u>: <u>Definitions</u> of the Elbert County Zoning Regulations.

WHEREAS, the County wishes to add definitions for certain oil and gas activities that trigger the need for building permits

WHEREAS, the County wishes to amend <u>Part II, Section 17: Special Use by Review, Sub-Section A., 32.</u> to read as follows:

32. Major Oil and gas Facilities/Operations: Such uses shall comply with Colorado State Regulations and all of the requirements of this section.

THEREFORE, the County finds it in the best interest of the County to void the current Elbert County "Oil and Gas Regulations" formally known as Part II, Section 27 of the Elbert County Zoning Regulations and to instead manage such applications as building permits through the Building Division at Elbert County, for the applicant to provide the above-stated Elbert County-Specific agreements in conjunction with other building permit related requirement and to adhere to State Regulations.

WHEREAS, the Planning Commission, on August 22, 2017, held a properly noticed public hearing on the proposed amendments to the ECZR. At this hearing there were presentations by Staff and there was a request for public comment. The public spoke to proposed changes in the Zoning changes. There was also discussion by Planning Commission members; and

WHEREAS, the Planning Commission is forwarding a recommendation for approval of the proposed amendment to the Elbert County Zoning regulations as submitted for consideration by the Board of County Commissioners; and

WHEREAS, on SEPTEMBER 26, 2017, the Board of County Commissioners held a properly notice public hearing on the proposed amendment to the Elbert County Zoning Regulations. Staff made presentations and public comment was received on the voiding and removal of <u>Part II</u>, <u>Section 27</u>: <u>Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities</u>.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the Staff, and listened to the presentation of Staff, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners do hereby **Approve the following amendments:**

- 1. The complete removal and voiding of: Part II, Section 27: Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities; and
- Addition of specific definitions for Minor and Major Oil and Gas
 Facilities/Operations plus definitions for certain activities requiring building
 permits to Part II, Section 25 of the Elbert County Zoning Regulations; and
- 3. Addition of the above-stated language to Part II, Section 17, Sub-Section A., 32.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

DANNY WILLCOX, CHARMAN

Aye

Aye

CHRIS RICHARDSON, VICE CHAIRMAN

GRANT THAYER, COMMISSIONER

ATTEST:

DALLAS SCHROEDER

COUNTY CLERK

SEAL SEAL

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